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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO.11735 OF 2021
IN SA/109/2014**

SHAM BALKRISHNRAO SELUKAR DIED LRS. RAJNI SHAMRAO
SELUKAR AND OTHERS
VERSUS
TUKARAM REKU RATHOD DIED LRS. BABU TUKARAM RATHOD
AND OTHERS

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Advocate for Applicants : Mr. Shrikant Kulkarni
Advocate for Respondent No.13 in SA : Mr. Akram Inamdar h/f Mr.
S.S. Kazi

**WITH
CIVIL APPLICATION NO.31 OF 2022
IN SA/1705/2005**

TUKARAM REKHA (REKHU) RATHOD LRS. KISHAN TUKARAM
RATHOD AND OTHERS
VERSUS

SHAM BALKRISHNRAO SELUKAR DIED THROUGH LRS.
NAHUSHKUMAR SHAM SELUKAR AND OTHERS

...

Advocate for Appellants : Mr. Akram Inamdar h/f Mr. S.S. Kazi
Advocate for Respondent No.1 : Mr. Shrikant Kulkarni

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CORAM : S.G. MEHARE, J.

DATED : AUGUST 21, 2023

PER COURT:-

1. Heard the respective counsels.
2. It is an admitted fact that one Sham Balkrishna Selukar died. His legal heirs wanted to come on record in Second Appeal No.109 of 2014 and the appellant in Second Appeal No.1705 of 2005 wanted to bring the legal heirs of the same person who has been died.

Learned counsel for the legal heirs of Sham Balkrishna Selukar and learned counsel for the appellant in Second Appeal No.1705 of 2005 does not dispute over the legal heirship proposed to be brought on record. There was delay of 55 days in bringing the legal heirs on record in Second Appeal No.1705 of 2005.

3. Perusing both applications, the Court is satisfied that the cause for delay in bringing the legal heirs is sufficient. Hence, the following order :

ORDER

- (i) Both applications are allowed.
- (ii) The delay in bringing legal heirs in Second Appeal No.1705 of 2005 has been condoned. The appellants in both appeals shall carry out the amendment in Exhibit-1 and in original suit plaint within two weeks from today.
- (iii) List the matter for final hearing on 13.09.2023.

(S.G. MEHARE, J.)